
Status & Remarks

The application presently contains the following claims:

<i>Independent Claim #</i>	<i>Dependent Claim #s</i>
1	2-10
11	12-22
<u>23</u>	<u>24-32</u>

Claims 11 and 15 are amended in this response while claims 23-32 are newly added. Support for the newly added claims may be found with reference to claims 1-10 as originally filed.

Claim Objections

The examiner has objected to claim 15 in that the term "fixed" should be "movable." Through amendment to the claim, this objection has been rendered moot.

35 U.S.C. §101 (Double Patenting)

The examiner has rejected claims 1-10 under this section as claiming the same invention as that of claims 1, 5, 10-12 and 14-17 of co-pending Application No. 10/248,998. The examiner is respectfully requested to review this initial determination in that the claims are not the same.

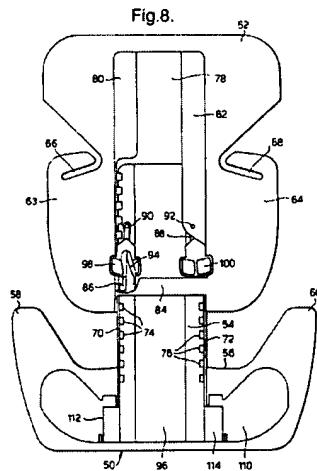
Application No. 10/248,998 claims a booster seat which has two essential limitations: (a) foldability; plus (b) back extendability. The current patent application and specifically claims 1-10 do not claim any foldability between the seat and the back. The applicant's attorney would respectfully direct the examiner's attention to the removal of the following required limitation of Serial No. 10/248,998 namely "means on said car seat for selectively positioning and retaining said car seat in either an essentially L-shaped first position or a second essentially collapsed position wherein a top of said seat member is adjacent to a front of said back member."

The car seat of claims 1-10 of the present invention claims no foldable front and back components. It only claims an extendable back for a car seat which does not fold. Therefore, even when the claims of 10/248,998 are patented (the application is apparently at a third party printer), there will be no overlap.

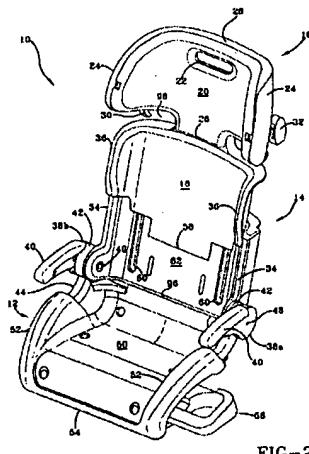
35 U.S.C. §102

The examiner has rejected claims 11-22 under this section, subparagraph (b) as being anticipated by USP 5,845,968 to Lovie and provided his reasons therefore. The applicant's attorney would respectfully request the examiner to revisit his position in light of the following comments.

Lovie does not disclose an extendable back car seat which upon extension of the back from an initial compressed position to a second extended position, will provide for "contiguous support for an occupant's back." As clearly seen in FIG. 8 of Lovie, at best, the occupant will be protected by a "bridge portion 84 which extends behind the support member 54." (see col. 2, lines 66-67)



By contrast, the “overlapping” or “telescoping” arrangement found in the geometry of the applicant, clearly distinguishes over that of Lovie by providing “contiguous” or “essentially gapless” support for the occupant, a limitation which has always been present in claim #1 and claim #11.



It is believed that the incorporation of the "contiguous" or "essentially gapless" limitation distinguishes in a patentable manner, over the teachings of Lovie. The value of this arrangement is that rear-end collision impacts are now distributed over a significantly larger surface area on the car seat which hopefully, results in less kidney or spinal cord damage to the occupant.

Request for Reconsideration

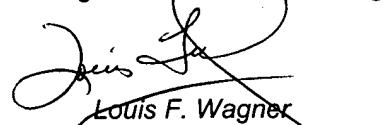
Applicant believes that all independent claims clearly define over the prior art and that the distinctions between the present invention and the prior art would not have been obvious to one of ordinary skill in the art. Additionally, the remaining dependent claims, by the limitations contained in the base independent claims, are felt to be patentable over the prior art by virtue of their dependency from independent claims which distinguish over the prior art of record. All pending claims are thought to be allowable and reconsideration by the Examiner is respectfully requested.

It is respectfully submitted that no new additional searching will be required by the examiner. A fee determination sheet is attached for this amendment response. The Commissioner is hereby authorized to charge any additional fee required to effect the filing of this document to Account No. 50-0983.

It is respectfully submitted that all references identified by the examiner have been distinguished in a non-obvious way. If the examiner believes that a telephonic conversation would facilitate a resolution of any and/or all of the outstanding issues pending in this application, then such a call is cordially invited at the convenience of the examiner.

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Respectfully Submitted,
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